

UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

DALE A. “JustTheJUDGE1” “Sinz”
DROZD,

Petitioner

-against-

THE UNITED STATES HOUSE OF
REPRESENTATIVES

Respondents

Case No. 4:23-cv-0035M/QWT

Before Qwerty, Chief Judge

**OPINION AND ORDER ON MOTION FOR A TEMPORARY
RESTRAINING ORDER**

The Plaintiff-Movant *pro se*.

SiadMinaj, Speaker *pro tempore* appeared as agent of the defendant.
Squnqs, Esq., for the defendant-nonmovant.

Before QWERTY, Chief Judge, U.S. District Court for the District of
Columbia:

This is an urgent order on a temporary restraining order (TRO) filed with this court by the plaintiff-movant. Plaintiff (we will call him by his most common name of Mr “Sinz” in this order) is a Justice of the Supreme Court. He has been served with a subpoena from the defendant legislative body (“the House of Representatives” or “the House”) represented through the person of its Speaker *pro tempore*, Mr Siad Minaj.

We issue this short order with minimal representations from both parties, in view of the short timeframe before the time at which the plaintiff has been instructed to give evidence, 4:30pm EST on the 29th

November 2023. We nevertheless have, as it is possible to do so, heard briefly oral representations from both parties (neither through counsel). Normally, TROs are issued “without notice”, and their purpose is to “preserve the status quo until there is an opportunity to hold a hearing on the application for a preliminary injunction and may be issued with or without notice to the adverse party”. Wright and Miller, 11A Fed. Prac. & Proc. Civ. § 2951 (3d ed.). The usual *Virginia Petroleum* factors for a preliminary injunction apply, with the additional emphasis on the existence of irreparable harm before even a preliminary injunction can be properly considered. *Biovail Corp. v. U.S. Food Drug Admin.*, 519 F. Supp. 2d 39 (D.D.C. 2007). See *Granny Goose Foods, Inc. v. Teamsters*, 415 U.S. 423, 439 (1974) (Explaining that “under federal law they should be restricted to serving their underlying purpose of preserving the status quo and preventing irreparable harm just so long as is necessary to hold a hearing, and no longer.”). This Court has been willing to recognise irreparable harm when questions of privilege or confidential information are at play. See e.g. *Trump v. Comm. on Oversight & Reform of House of Representatives*, 380 F. Supp. 3d 76 (D.D.C. 2019). The state of the action right now, however, does not allow us to fully cognise these issues.

Even though court has explained that “[b]roadness alone is not sufficient justification to refuse enforcement of a subpoena.” *Federal Trade Commission v. Bisaro*, 757 F. Supp. 2d 1, 7 (D.D.C. 2010) (alteration in original), we do, nevertheless, agree that the plaintiff’s harm is largely irreparable, at least at the TRO stage, since conducting the hearing will effectively moot, at best, a very significant part of these proceedings. Cf. *Republican Nat’l Comm. v. Pelosi*, Civil Action 22-659 (TJK), at *8 (D.D.C. May 20, 2022) (and authorities cited

therein). We do not prejudge the merits of the claim on any other ground – at this present, early, stage, it is sufficient to us to note that we *have* jurisdiction to cognise a subpoena. Whilst we acknowledge the immunity arguments, there is at least a *prima facie* case that this court may have jurisdiction to hear the challenge. See *Trump v. Mazars U.S., LLP*, 39 F.4th 774 (D.C. Cir. 2022).

We do not take any position on the underlying merits of the action. We recognise merely that putting the point at its lowest this action is not, on the basis of what is before the court, unequivocally barred by some jurisdictional rule. We do, however, recognise the very great risk of irreparable harm that not proceeding, at the very least, to a fully briefed preliminary injunction will cause. The balance of equities, and public interest, to our mind do not work against the plaintiff-movant in that the delay generated by at least hearing a preliminary injunction are not significant – several days at most.

* * * * *

ORDER

For the foregoing reasons, the court orders as follows:

1. The motion for a temporary restraining order is **granted** for 72 hours as follows:

The defendant shall refrain from enforcing the subpoena against the plaintiff until the preliminary injunction is heard and disposed of.

2. The parties shall initially brief the court within **24 hours** of this order on the preliminary injunction.

It is so ORDERED,

29th November 2023

/s/Newplayerqwerty

CUSDJ